

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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U.S. POSTAL SERVICE
OFFICE OF THE ATTORNEY GENERAL

POSTAL RATE AND FEE CHANGES, 2001)

Docket No. R2001-1

INITIAL BRIEF

OF

VALPAK DIRECT MARKETING SYSTEMS, INC. AND
VALPAK DEALERS' ASSOCIATION, INC.

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March 4, 2002

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
STATEMENT OF THE CASE	1
SUMMARY OF ARGUMENT	7
ARGUMENT	
I. THE SETTLEMENT EXTENDS THE PROPOSED HEAVYWEIGHT LETTER RATE TO ECR, AVOIDING UNDUE DISCRIMINATION PROHIBITED UNDER THE ACT.	7
A. The Postal Service’s Rationale for Its Proposed Treatment of Standard Regular and Nonprofit Heavyweight Letters Supports Extending Such Treatment to Similar ECR Letters.	8
B. Denial of Heavyweight Letter Treatment to Automatable Standard ECR Heavyweight Letter-shaped Mailpieces Would Constitute Undue Discrimination Among Users of the Mail, in Violation of 39 U.S.C. Section 403(c).	10
II. THE 0.1 CENT REDUCTION IN THE RATE FOR ECR SATURATION LETTERS IN THE SECOND REVISED STIPULATION AND AGREEMENT IS FAIR AND REASONABLE, IS FULLY JUSTIFIED BY RECORD EVIDENCE, AND SHOULD BE RECOMMENDED BY THE COMMISSION.	14
A. The Proposed Rate Reduction Increases the Passthrough of the ECR Saturation Letter-flat Cost Differential from 61 to 70 Percent, Which Remains Considerably Below the 100 Percent Passthrough Recommended by the Commission in the Last Rate Case	14
B. Under Current Postal Service Costing Methodology, the Cost of Standard ECR Letters Is Erroneously Overstated, and Correspondingly the Cost of Standard ECR Flats Is Understated	14
III. THE RATE PROPOSED IN THE SECOND REVISED STIPULATION AND AGREEMENT FOR POUND-RATED STANDARD ECR PIECES SHOULD BE RECOMMENDED BY THE COMMISSION. ...	17
CONCLUSION	18

TABLE OF AUTHORITIES

Cases	Page
<u>National Easter Seal Society v. United States Postal Service</u> , 656 F.2d 754 (D.C. Cir. 1981)	13
<u>United Parcel Service v. United States Postal Service</u> , 604 F.2d 1370 (3 rd Cir. 1979)	11
<u>UPS Worldwide Forwarding v. United States Postal Service</u> , 66 F.3d 621 (3 rd Cir. 1995)	11
 Statutes and Regulations	
39 U.S.C. § 403(c)	10, <i>passim</i>
39 C.F.R. § 3001.20	1
Domestic Mail Manual, C600.1.1d	15
 Postal Rate Commission Opinions and Recommended Decisions	
Docket No. MC78-1	13
Docket No. R87-1	12
Docket No. R90-1	12
Docket No. R94-1	5
Docket No. R97-1	5, 9
Docket No. R2000-1	12, 14
 Miscellaneous	
Elcano, Mary, <i>et. al.</i> , “Hiding in Plain Sight: The Quiet Liberalization of the United States Postal System,” <i>Current Directions in Postal Reform</i>	4

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STATEMENT OF THE CASE

COURSE OF PROCEEDINGS

On September 24, 2001, the United States Postal Service filed a request, pursuant to the Postal Reorganization Act (chapter 36 of title 39, United States Code), for a recommended decision by the Postal Rate Commission on proposed rate and fee changes, including rates for Standard Mail, as well as certain changes to the Domestic Mail Classification Schedule. On September 26, 2001, the Commission issued a Notice and Order regarding the filing of the Postal Service's submission (Order No. 1324).

In accordance with Order No. 1324 and Rule 20 of the Commission's Rules of Practice and Procedure (39 C.F.R. 3001.20), Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. each filed a notice of intervention on October 2,

2001.¹ These intervenors have proceeded jointly in this proceeding, and are referred to collectively as “Valpak.”

The Postal Service’s Request

The Postal Service’s Request for a Recommended Decision initiating this proceeding requested rate and fee changes affecting all classes of mail, and asserted that without those changes the Postal Service would incur a revenue deficiency of \$5.3 billion in the test year (FY 2003). According to the Postal Service’s initial filing, the requested rates would generate a revenue surplus of approximately \$33.1 million in the test year.

Discovery of the Postal Service’s Case-in-Chief

Counsel for Valpak conducted written cross-examination of ten Postal Service witnesses with respect to eleven pieces of direct testimony, as follows:

Witness Robert L. Shaw, Jr.	USPS-T-1
Witness Herbert B. Hunter III	USPS-T-4
Witness Thomas W. Harahush	USPS-T-5
Witness William P. Tayman, Jr.	USPS-T-6
Witness George S. Tolley	USPS-T-7
Witness Michael W. Miller	USPS-T-24
Witness Joseph D. Moeller	USPS-T-28
Witness Laraine B. Hope	USPS-T-31
Witness Joseph D. Moeller	USPS-T-32
Witness Linda A. Kingsley	USPS-T-39
Witness Leslie M. Schenk	USPS-T-43

¹ “Val-Pak” in the name of each organization was recently changed to “Valpak.”

Counsel for Valpak conducted oral cross-examination of the following eight Postal Service witnesses, which appears in the record at the identified pages:

Witness Shaw	Tr. 3/291-320
Witness Harahush	Tr. 3/361-79
Witness Schenk	Tr. 5/893-955
Witness Miller	Tr. 6/1065-79
Witness Moeller (T-32)	Tr. 6/1146-71
Witness Hope	Tr. 8/1755-852
Witness Kingsley	Tr. 9/2468-95

Settlement Negotiations and Agreement

In response to the Chairman's invitation at the Prehearing Conference on October 25, 2001 (Tr. 1/40-42), Valpak joined the other intervenors in settlement negotiations with the Postal Service. These negotiations led, *inter alia*, to certain minor changes in Standard Mail rates being incorporated in the Second Revised Stipulation and Agreement (January 17, 2002). In reliance on the settlement process, and in accordance with its commitments under the agreement, Valpak voluntarily waived its right to file testimony which, Valpak believes, would have materially advanced its position in this docket. No doubt other mailers also foresook the opportunity to file testimony because of their commitment to the settlement process. Now that a virtually unanimous settlement between the Postal Service, the OCA, and almost all mailers — the settlement being nearly unanimous among all intervenors — has been reached, Valpak urges the Commission to honor the collective judgement of all mailers, who, in good faith, participated in the settlement process, and to adopt the totality of the settlement rates without change in its Opinion and Recommended Decision in this docket.

Testimony of APWU Witness Riley on First-Class Issues

On January 30, 2002, Michael J. Riley filed direct testimony (APWU-T-1) on behalf of the American Postal Workers Union, AFL-CIO ("APWU"). The purpose of his testimony was to propose that the Postal Rate Commission impose a rigid limit on worksharing discounts for First-Class automated and presort mail of from 80 to no more than 100 percent of the estimated costs avoided by the Postal Service. Tr. 12/4846, ll. 1-6. Witness Riley stated that his testimony addressed only First-Class Mail and did not address Standard Mail. Response to MMA/APWU-T1-2, Tr. 12/4877.² Although the rates for Standard Mail have not been challenged by witness Riley, rigid adherence to the rate-making approach which he recommends would have far-reaching and unwanted consequences in the future for classes of mail other than First-Class, as noted in the surrebutal testimony of Postal Service witness Moeller. USPS-SRT-1, p. 10, l. 19 through p. 11, l. 5. We therefore consider it necessary to comment briefly on the policy issues raised by witness Riley.

Witness Riley's testimony overlooks the fact that for almost every subclass of mail, the Postal Service, with concurrence of the Postal Rate Commission, now has unbundled and opened to competition virtually all upstream mail processing services such as barcoding, sortation and transportation.³ For these upstream services, the

² Accord, comments of APWU counsel, Tr. 12/4920, ll. 16-22

³ See "Hiding in Plain Sight: The Quiet Liberalization of the United States Postal System," by Mary S. Elcano, R. Andrew German, and John T. Pickett, in *Current Directions in Postal Reform*, ed. by Michael Crew and Paul R. Kleindorfer. Boston: Kluwer Academic Publishers, 2000, pp. 337-352.

reality is that the postal monopoly no longer exists. As much as it seems that witness Riley might like to undo these developments, turn back the clock, and restore the Postal Service to a dominating monopoly position, it cannot be done, any more than Humpty Dumpty could be put back together.⁴ Competition in upstream postal services not only is here to stay, it likely will increase.

Witness Riley wants worksharing discounts to reflect only 80 percent of narrowly-measured cost differences for specifically-defined mail processing services, such as presortation, that private sector firms now provide on a competitive basis. The policy implications of his proposal are profound.

A worksharing discount creates a differential in rates as between two rate categories.⁵ Regardless of whether the difference between the higher rate and the lower rate is described as a “discount” (when subtracted from the higher rate) or an incremental charge or “surcharge” (when added to the lower rate), from an economic perspective the difference in the two rates corresponds to the fee or revenue received by

⁴ See Docket No. R94-1, ANM-RT-1, pp. 9-14 (rebuttal testimony of John Haldi concerning pricing of unbundled postal services).

⁵ If the Postal Service were to adopt bottom-up costing and pricing, “discounts” as such would disappear from the rate schedule and be replaced by more transparent pricing, whereby incrementally higher rates would be designed to recover, at a minimum, the incremental costs caused by mail which requires the Postal Service to incur additional costs. See Docket No. R94-1, testimony of John Haldi, ANM-T-1, pp. 19-29, ANM-RT-1, pp. 1-26, and Docket No. R97-1, VP/CW-T-1, pp. 10-20 and 37-46 for more discussion. Use of the term “discount” can give rise to the mistaken view that revenue is “given” or “lost” to those who qualify for the discounts. For example, see APWU-T-1, p. 8, ll. 13-14, “the Postal Service cannot afford to err on the side of giving away too much in discounts.”

the Postal Service when it performs the specified work giving rise to the rate difference. Such incremental fee or revenue can be considered appropriately as the “rate” or price charged by the Postal Service for performing the work. The logical and inevitable consequence of the pricing policy advocated by witness Riley thus would result in the Postal Service offering unbundled, upstream mail processing services to mailers at incremental rates (discounts) that are set deliberately below the Postal Service’s incremental (avoided) attributable cost; *i.e.*, witness Riley would have the Postal Service cross-subsidize those unbundled, upstream services that have been opened to competition. The cross-subsidy would be funded by using the Postal Service’s monopoly on delivery to increase rates to every private sector firm that now performs worksharing tasks.

In most competitive industries, any deliberate pricing of services below marginal cost would be considered an unfair and illegal tactic because such tactics destroy competition. Although the preservation of any particular competitor should not concern the Commission, preservation of competition should be a concern. Should such aggressive pricing emanate from an incumbent monopolist, as suggested by witness Riley in this proceeding, it necessarily presents a major policy issue. Thus, the Riley testimony appears to stand on dubious ground. At all events, we reiterate that witness Riley stated his testimony addressed only First-Class Mail, and did not address Standard Mail. Response to MMA/APWU-T1-2, Tr. 12/4877; *see* Tr. 12/4920. Accordingly, the Riley testimony is not addressed further herein.

SUMMARY OF ARGUMENT

Valpak strongly supports recommendation of the Standard ECR rates as set forth in the Second Revised Stipulation and Agreement. As explained herein, the modification of Standard ECR rates contained in the Second Revised Stipulation and Agreement was necessary to conform such rates to the record evidence developed during discovery on the Postal Service's case-in-chief.

The Second Revised Stipulation and Agreement incorporated three changes to Standard ECR rates. First, ECR automation-compatible letters between 3.3 and 3.5 ounces were made eligible for a heavyweight letter rate corresponding to that proposed for Standard Automation letters. Second, the minimum piece rates proposed for Saturation letters in the ECR subclass were reduced by one-tenth of a cent, increasing the passthrough from 61 percent to 70 percent. Finally, the proposed piece and pound rates for ECR nonletters were changed, with the basic piece rate element reduced from 7.1 cents to 6.8 cents, and the proposed pound rate element increased from 59.8 cents to 61.0 cents. The entirety of Settlement Standard ECR rates, including all of these modifications, should be recommended by the Commission.

ARGUMENT

I. THE SETTLEMENT EXTENDS THE PROPOSED HEAVYWEIGHT LETTER RATE TO ECR, AVOIDING UNDUE DISCRIMINATION PROHIBITED UNDER THE ACT.

The Postal Service originally requested that the Commission recommend a new rate design with respect to heavyweight, letter-shaped Standard Automation Mail pieces

weighing between 3.3 and 3.5 ounces, whereby such pieces in effect would pay the applicable letter rate plus the pound rate for all weight in excess of 3.3 ounces. This is referred to herein as the Postal Service's "heavyweight letter proposal." In the Second Revised Stipulation and Agreement, this proposal was extended to ECR and Nonprofit ECR heavyweight letters with similar dimension, weight, barcodes, etc. A brief review of reasons for this change appears *infra*.

A. The Postal Service's Rationale for Its Proposed Treatment of Standard Regular and Nonprofit Heavyweight Letters Supporting Extending Such Treatment to Similar ECR Letters.

With the inclusion of ECR and NECR heavyweight letter-shaped pieces, the Postal Service's heavyweight letter proposal is sound and in the best interests of both mailers and the Postal Service. The proposal is premised on the concept of fairness to mailers whose preparation of the heavyweight letter-shaped pieces in accordance with prescribed requirements would give the Postal Service the option to process such mail on its automation equipment, resulting in cost savings. This rationale virtually mandates extension of the proposal to eligible ECR letter-shaped pieces⁶.

ECR mailers' per-piece savings for eligible heavyweight letters will be less, since the rate difference between ECR letters and flats is somewhat less than it is for Standard Regular mailpieces. However, the net benefit to the Postal Service (in terms

⁶ Under another proposal of the Postal Service, all ECR High Density and Saturation letters will be required to be automation-compatible, so that the Postal Service would have the option of processing this mail on its automation equipment.

of cost savings versus discounts granted) likely will be greater for ECR letters than for Standard Automation heavyweight letters.

Witness Moeller (USPS-T-32) argued that the discount proposed for Standard Automation mailpieces (up to 8.8 cents per piece for Regular Automation Basic, Tr. 6/1157) represents a substantial cost savings for mailers, whereas the discount applicable to automatable ECR heavyweight letters would be less than a cent. But the difference in cost savings that is achieved by the Postal Service (or that is passed through to mailers) is not germane for evaluating the fairness of such a proposal. The fact that large discounts might benefit some mailers should not be used to justify the **denial of any benefit whatsoever**, particularly when the mail that would be denied any benefit would likely give the Postal Service the greatest net gain.

Witness Moeller also argued that extending the heavyweight letter discount to ECR would increase complexity. Tr. 6/1164-65. However, the Commission has long recognized that ECR mailers are sophisticated mailers, and therefore rejected prior efforts by the Postal Service to hide behind the fig leaf of “complexity.” *See Opinion and Recommended Decision*, Docket No. R97-1, p. 425.

Witness Moeller asserted that Standard Automation Mail has a greater chance of being processed on automation equipment than does ECR automated mail. *See* Response to VP/USPS-T32-2(a), Tr. 6/1114; cross-examination of witness Moeller, Tr. 6/1161-62. No showing was made, however, of any disparate net revenue impact of this proposal on Standard Automation Mail and Standard ECR. Tr. 6/1158, 1162. The view that eligible heavyweight Regular letters will receive more automated processing

than eligible heavyweight ECR letters is undocumented and has no bearing on the merits of extending the proposed discount to such ECR letters.

Additionally, the Postal Service does not dispute that it would be in its own best interests to have all heavyweight letter-shaped mail prepared so that it is automation-compatible. The Postal Service thereby gains the option to process such mail on automation equipment, with the presumption that the Postal Service would choose the most cost-efficient method at the time it is processed. Indeed, it was precisely the desirability of having such an option that led the Postal Service to propose in this docket a requirement that all ECR High Density and Saturation letter mail be made automation-compatible. *See* Testimony of Witness Hope, USPS-T-31, at 9-10.

In short, extension of the heavyweight letter proposal to ECR automatable letter-shaped pieces between 3.3 and 3.5 ounces is supported by consideration of the very same factors that led the Postal Service to advance the heavyweight letter proposal with respect to Standard Regular and Nonprofit Automation mailpieces (as well as the automation requirement for ECR High Density and Saturation letters).

B. Denial of Heavyweight Letter Treatment to Automatable Standard ECR Heavyweight Letter-shaped Mailpieces Would Constitute Undue Discrimination Among Users of the Mail, in Violation of 39 U.S.C. Section 403(c).

It is submitted that denial of heavyweight letter treatment to automatable Standard ECR High Density and Saturation letter-shaped mailpieces between 3.3 and

3.5 ounces would have been in direct violation of 39 U.S.C. section 403(c).⁷ Clearly, based upon the facts recited above, had the Postal Service not extended its requested heavyweight letter proposal to automatable Standard ECR letter-shaped mailpieces between 3.3 and 3.5 ounces, the resulting rates would have constituted undue discrimination among users of the mail. No adequate reason for not extending the proposal was ever advanced or articulated, and we would suggest that none exists.

Valpak submits that offering a discount from one set of mailers to elicit the voluntary submission of certain mail, while concurrently denying a discount to other mail with identical cost-saving characteristics, would be without precedent. More importantly, such an action would violate applicable law.

The Postal Reorganization Act contains general statements of policy, duties, and powers — such as prohibitions on discrimination and requirements of fairness — that serve as limitations on domestic rates. UPS Worldwide Forwarding v. United States Postal Service, 66 F.3d 621, 633 (3rd Cir. 1995). Section 403(c), which is prominent among these limitations, specifically proscribes the Postal Service from discriminating among its users. United Parcel Service v. United States Postal Service, 604 F.2d 1370, 1377 (3rd Cir. 1979). The Commission is empowered to enforce the provisions

⁷ Section 403(c) states:

In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

of section 403(c) in its development of rate recommendations. *Opinion and Recommended Decision*, Docket No. R2000-1, para. 4001.

In those rare instances where the Postal Service has proposed granting a discount to certain mailpieces, but not to other mailpieces which incurred identical costs, the discounts have been rejected by the Commission. In Docket No. R87-1, the Commission rejected a proposed Express Mail discount because “[t]he Postal Service ... did not address the issues that must be considered before accepting rate differentials within a subclass that have no origin in — at a minimum — a perception of some difference in costs.” *Opinion and Recommended Decision*, Docket No. R87-1, para. 6020. The Commission observed that, before the proposed discount could be recommended, “the Postal Service would have to show how the rates comply with the prohibition, found in section 403(c), of undue or unreasonable discrimination among mailers and undue or unreasonable preferences to a mailer.” *Id.*

The Commission rejected a similar discount in Docket No. R90-1. It cited the imposition of a requirement in Docket No. R87-1 that the “Postal Service would have to demonstrate how different rates for mailers of comparable mailings comply with the prohibition, found in section 403(c), of undue or unreasonable discrimination among mailers and undue or unreasonable preferences to a mailer before discounts with no basis in a cost difference could be approved.” *Opinion and Recommended Decision*, Docket No. R90-1, para. 6535. Valpak submits that these precedents required extension of the heavyweight letter treatment to automatable ECR mailpieces, as provided for in the Second Revised Stipulation and Agreement.

In National Easter Seal Society v. United States Postal Service, 656 F.2d 754 (D.C. Cir. 1981), the United States Court of Appeals for the District of Columbia Circuit remanded to the Governors their modified rates (resulting from Docket No. MC78-2) that would have phased in a presort discount for nonprofit mailers, while regular third-class mailers would have received the entire proposed discount immediately. The court stated that “no rationale justifies the differential treatment of nonprofit third-class mailers and that the discrimination effected by phase-in is therefore ‘undue’ and ‘unreasonable,’ in contravention of section 403(c).” 656 F.2d at 761. It observed that the Commission had “specifically found that ‘there are no intrinsic characteristics of nonprofit mail which would warrant having different rate structures for regular-rate mail and nonprofit mail.’” *Id.*, citing *Opinion and Recommended Decision*, Docket No. MC78-1, p. 40. The court concluded that “absent some reasonable ground for differential treatment, section 403(c) forbids discriminatory phasing of discounts to only one class of mailers.” *Id.*, p. 762.

In other words, the court of appeals determined that undue discrimination — prohibited by section 403(c) — arises when a complete discount is granted to the mailer of one subclass of mail, while another mailer using a different subclass of mail (but presenting mail with identical characteristics) receives only a partial discount. *A fortiori*, the grant of a substantial discount to one mailer, while refusing **any** discount to another mailer presenting mail with identical characteristics, must likewise violate section 403(c). The Second Revised Stipulation and Agreement solved this problem with the Postal Service’s initial filing.

II. THE 0.1 CENT REDUCTION IN THE RATE FOR ECR SATURATION LETTERS IN THE SECOND REVISED STIPULATION AND AGREEMENT IS FAIR AND REASONABLE, IS FULLY JUSTIFIED BY RECORD EVIDENCE, AND SHOULD BE RECOMMENDED BY THE COMMISSION.

A. The Proposed Rate Reduction Increases the Passthrough of the ECR Saturation Letter-flat Cost Differential from 61 to 70 Percent, Which Remains Considerably Below the 100 Percent Passthrough Recommended by the Commission in the Last Rate Case.

The letter-flat cost differential estimated by the Postal Service's testimony and supporting documents is 1.14 cents. Response to VP/USPS-T31-18a, Tr. 8/1716. Under the Postal Service's initially proposed rates, the passthrough of this cost differential was 0.7 cents, which represents a passthrough of only 61 percent. Response to VP/USPS-T31-18d, Tr. 8/1716. The 0.1 cent reduction in the rate for ECR Saturation letters increases the differential to 0.8 cents, which represents a passthrough of only 70 percent. In Docket No. R2000-1, the Commission recommended a passthrough of 100 percent, which it deemed fair and equitable. On the basis of this precedent established in the immediately preceding case, a passthrough of only 70 percent (representing an 0.8 cent rate difference) is very low, but has been agreed to by Valpak for the purpose of settlement.

B. Under Current Postal Service Costing Methodology, the Cost of Standard ECR Letters Is Erroneously Overstated, and Correspondingly the Cost of Standard ECR Flats Is Understated.

In accordance with the Second Revised Stipulation and Agreement, Valpak has agreed that the Postal Service's testimony provides substantial evidence to support the rates proposed for Standard ECR mail. As noted above, had it not agreed to settle,

Valpak would have submitted evidence that would comment on various elements of the Postal Service's testimony that Valpak has cause to question, in light of the record developed through discovery related to the Postal Service's filing. With regard to the cost basis supporting the rates recommended for Standard ECR, in particular, Valpak has concerns about the Postal Service's methodology that, if substantiated, might lead to the conclusion that the cost of Standard ECR letters is overstated and that the cost of Standard ECR flats is correspondingly understated. It should be emphasized, however, that the consequence of such a finding would be to provide further support for the settlement rates for Standard ECR embodied in the Second Revised Stipulation and Agreement.

The source of Valpak's concerns arises out of a possible mismatch among Postal Service data. The majority of pieces within the Standard ECR subclass are addressed items, such as an envelope, catalog, or parcel. Certain mailings, however, instead consist of two physically separate pieces: (i) a detached address label ("DAL"), and (ii) an accompanying mailpiece, typically a flat-shaped collection of loose (unbound) pieces enclosed inside a folded unaddressed host piece, referred to herein and described in the Domestic Mail Manual ("DMM") as a "cover."⁸ During litigation of Docket No. R2001-1, it was discovered that under current Postal Service costing methodology, the two component pieces in a DAL mailing are counted one way for revenue purposes,

⁸ Response to VP/USPS-T31-2, Tr. 8/1684. They are also referred to in the DMM as a "short cover," or "protective cover." The only limit on the number of enclosures within the host piece is the size limits for flats, as specified in DMM C600.1.Id; *see* response to VP/USPS-T31-3, Tr. 8/1685.

and another way for costing purposes. Response to VP/USPS-T43-25, Tr. 10-C/3792-94. This inconsistent treatment of two-piece DAL mailings would create a mismatch between revenues, volumes, and costs for Standard ECR letters and nonletters. The effect of the mismatch between revenues and costs would be to increase the unit cost of letters and decrease the unit cost of nonletters.

Unfortunately, the mismatch problem does not lend itself to a measurement-based quantitative adjustment in the letter-flat differential.⁹ If the differential is understated, however, it would be altogether appropriate to increase recognition of the ECR Saturation letter-flat cost difference estimated by the Postal Service in this docket from 61 to 70 percent, as reflected in the settlement agreement pending before the Commission. Valpak accepts this adjustment for purposes of settlement, and urges the Commission to adopt the entirety of the settlement rates.

⁹ Achieving a reasonable correction would not be possible because of the absence of Postal Service data. A correction could be made to the total costs in the unit cost ratios if accurate DAL data were available, but they are not. Because the city carrier cost system does not identify DALs as such, even though they are counted, no record exists as to the number of DALs included in the city carrier mail count. Likewise, in the national rural mail count, DALs are not identified as such either, but instead are counted as "other letters" or as "boxholder." Consequently, data to separate the number and cost of DALs handled by rural carriers also are unavailable. The RPW System does not record separately the volume of DAL mail. Response to VP/USPS-T4-1, Tr. 3/330-31. Hence, data on the total volume of DALs in Standard ECR do not exist.

III. THE RATE PROPOSED IN THE SECOND REVISED STIPULATION AND AGREEMENT FOR POUND-RATED STANDARD ECR PIECES SHOULD BE RECOMMENDED BY THE COMMISSION.

The Postal Service's pre-settlement proposed reduction of the pound rate was based upon implicit coverages which Valpak believes were founded on inadequate data.¹⁰ Although implicit coverages have the potential to provide useful insights for developing rates that are fair and equitable, such coverages must be based on reliable cost and revenue data. In Valpak's view, the Postal Service's attribution of certain delivery costs to weight categories was not consistently matched with revenues, and the resulting cost coverages did not provide adequate support for the originally-proposed reduction in the pound rate.

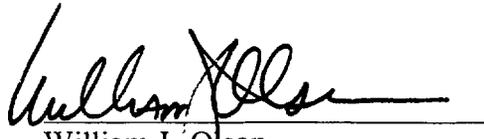
The settlement agreement now before the Commission, whereby the Standard ECR pound rate is reduced to 61.0 cents, with a corresponding piece rate of 6.8 cents, is a reasonable compromise for purposes of resolving the issue at this time.

¹⁰ In Valpak's view, the Postal Service's updated, computer-generated data compilations constituting the cost-weight data on which the Postal Service relied in advancing its pre-settlement pound weight proposal do not adequately support any conclusion about the proper weight-cost relationship for Standard ECR Mail, nor do they provide any other guidance as to the underlying cost-weight relationship. Response to VP/USPS-T43-1, 5 and 7, Tr. 5/746, 751 and 754-58.

CONCLUSION

Valpak submits that the record evidence in this docket supports the recommendation of Standard ECR rates as modified by the Second Revised Stipulation and Agreement, and these Standard ECR rates and all rates set out in the Second Revised Stipulation and Agreement should be recommended by the Commission.

Respectfully submitted,

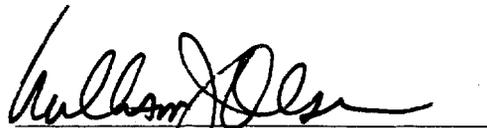


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.


William J. Olson

March 4, 2002